



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

229580



JUN -7 2010

SUBJECT: Documentation of concurrence with the preparation of an Engineering Evaluation/Cost Analysis in support of a CERCLA Non-Time Critical Removal Action at the Jewett White Lead Company Site, Staten Island, Richmond County, New York

FROM: Kimberly Staiger, On-Scene Coordinator
Removal Action Branch

TO: Walter Mugdan, Division Director
Emergency and Remedial Response Division

THRU: Joseph Rotola, Chief
Removal Action Branch

Site ID No.: A218

I. SUBJECT

The purpose of this memorandum is to document your concurrence for the preparation of an Engineering Evaluation/Cost Analysis (EE/CA) for a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) removal action at the Jewett White Lead Company Site located in Staten Island, Richmond County, New York (the Site).

The Site consists of the historic footprint of the former Jewett White Lead Company facility and the extent of contamination which includes the one acre parcel of land at 2000-2012 Richmond Terrace and the approximately one and one-half acre parcel of land at 2015 Richmond Terrace. The Site is considered a facility as defined by Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9). The mechanism for past releases of hazardous substances to the environment, as defined by CERCLA, appears to have been the use of the Site to manufacture white lead and the possible waste disposal practices associated with the operations.

Although the Site poses a threat to public health, welfare, and the environment, the United States Environmental Protection Agency (EPA) has determined that a sufficient planning period exists before site activities for this action have to be initiated. Accordingly, this response is being conducted as a non-time critical removal action.

II. BACKGROUND

On June 3, 2008, the Council of the City of New York submitted a written request to EPA to evaluate a property located on 2000-2012 Richmond Terrace (hereinafter the "Perfetto property") for potential environmental contamination. Initially, EPA's Pre-remedial Section evaluated the Site. Subsequently, the Site was referred to EPA's Removal Action Branch to conduct a Removal Site Evaluation that would evaluate the property for a removal action under the authority of CERCLA as amended, 42 U.S.C. §9601 et seq.

The area within one mile of the Site can be characterized as a residential neighborhood with concentrations of industrial and manufacturing facilities along the waterfront. The Site is located within the Port Richmond section of the Borough of Staten Island, New York. Located along the North Shore of Staten Island, the neighborhood is bordered by the Kill Van Kull to the north, the Bayonne Bridge and MLK Expressway to the west, Forest Avenue to the south and Broadway to the east. Port Richmond is an economically distressed community with the Borough's second-lowest median household income, the second-highest poverty rate, and the highest concentration of older housing in Staten Island.

Historically, John Jewett & Sons White Lead Company operated a white lead manufacturing facility at the Site. John Jewett & Sons White Lead Company owned the Site from 1839 until April 3, 1890 when National Lead & Oil Company of New York ("National Lead") acquired the Site property. National Lead continued the manufacture of white lead, an additive found in lead-based paint and ceramics, at the Site until a fire destroyed the plant's main building and storage house in 1920.

On December 31, 1943, Moran Towing Corporation acquired the 2015 Richmond Terrace portion of the Site from National Lead (hereinafter the "Moran property"). On May 31, 1946, National Lead sold the one acre portion Perfetto property to Anthony Sedutto, Guiseppe Sedutto, Giovannina Sedutto, Mario Sedutto, Michael Sedutto, and William Sedutto.

Between 1949 and 1990, various businesses operated at Perfetto property including Sedutto's Ice Cream factory. The buildings on this portion of the Site were eventually razed and cleared in 2000 after several fires occurred at the Sedutto's Ice Cream factory. The Perfetto property was sold at auction on January 26, 2007 to Leewood Park Avenue LLC. Perfetto Realty Company purchased the Perfetto property from Leewood Park Avenue LLC on October 18, 2007. Perfetto Realty used the property to store construction equipment and materials from local construction projects.

The portion of the Perfetto property is currently an unpaved vacant lot that was being utilized as a staging area for material being brought to and removed from construction conducted elsewhere in Staten Island. The ground surface at this portion of the Site consists of mostly unvegetated soil with some stone near the entrance. The soils have apparently been disturbed due to the presence of heavy machinery and the vehicular movement.

The portion of the Moran property is presently owned by the Moran Towing Corporation, an active tug boat facility. Most of the tugboat operations conducted at the facility take place at the rear of the property. However, part of the facility adjoining Richmond Terrace is currently used as a storage area for tugboat bumpers. Buildings, concrete, or asphalt cover most of the property, although there are areas where the asphalt and concrete appears to be in disrepair.

In December 2008, EPA and contractor representatives from the Removal Support Team collected soil samples from 16 test pits at the Perfetto property that were excavated to a depth of approximately four feet below grade. Many of the test pits were found to contain either blackened soil, concrete in the form of slabs and/or footings, asphalt, bricks, or wood. The analyses of the soil samples collected from the test pits included target analyte list (TAL) metals and Polychlorinated Biphenyls (PCBs). Off-property samples were collected from four locations along Richmond Terrace in order to determine if contamination had migrated from the Perfetto property.

The analytical results from the sampling event in December 2008 at the Perfetto property revealed the presence of elevated levels of lead throughout most of that property, both laterally and with depth. The average surface lead concentration was 5,081 mg/kg (milligram/kilogram). The highest lead concentration detected at the surface was 37,100 mg/kg, near the gate on Park Avenue. The average lead concentration in the soil samples collected at depths of 1-foot, 2-foot and 3-foot below grade were 28,245 mg/kg, 61,201 mg/kg, and 53,398 mg/kg, respectively. The highest lead concentration detected in the subsurface was 240,000 mg/kg. In addition, the four off-property sample locations were found to contain lead in concentrations ranging from 383 mg/kg to 2,760 mg/kg.

At EPA's request, the New York State Department of Health (NYSDOH), under cooperation with the Agency for Toxic Substances and Disease Registry (ATSDR), prepared a Letter of Technical Assistance for the Site dated March 25, 2009. NYSDOH concluded that the apparent migration of lead-contaminated dust warranted immediate mitigation measures to limit the use of the Site to prevent additional migration of lead-containing fugitive dust. It concluded that the concentrations of lead detected in the surface soil at the Perfetto property and the off-property road dust represent a significant public health concern if people, especially children, are exposed to them.

In April 2009, at EPA's request and oversight, Perfetto Realty conducted an interim removal action to prevent the migration of lead-contaminated soils from the Perfetto property. The interim removal action included: improving the existing fencing, installing a silt fence and hay bales around the fence line, spreading grass seed and mulch to hold the lead-contaminated soils in place, posting "lead hazard" signs on fencing, and removing the lead-contaminated soils and sediments from the sidewalks and nearby curb line adjacent to this portion of the Site. The ground surface is now mostly covered with grass, and a fabric windscreen has been placed along the entire fence line.

On June 15, 2009, EPA collected 14 surficial soil samples from the Moran property. The soil samples were collected from portions of this property where exposed soil was present or where the concrete and asphalt appeared to be in disrepair. Elevated levels of lead were found to be in the samples collected at concentrations that ranged from 145 mg/kg to 2,730 mg/kg, with the highest lead concentrations present in the surface soils adjacent the Richmond Terrace sidewalk.

III. THREAT TO PUBLIC HEALTH, WELFARE AND THE ENVIRONMENT

As mentioned above, in the March 25, 2009 Letter of Technical Assistance for the Site, NYSDOH concluded that the concentrations of lead detected in the surface soil at the Perfetto property and in the adjacent road dust represent a significant public health concern if people, especially children, are exposed to them.

A Letter of Health Consult dated February 11, 2010 was prepared by the NYSDOH, in cooperation with ATSDR after review of the off-site soil sampling data collected by the EPA in June 2009. NYSDOH concluded that it is appropriate to take permanent measures to eliminate the potential for future human exposures to soils contaminated with high levels of lead on the former Jewett White Lead Site. Such permanent measures would ensure that the Site remains protective should land use at the Site change or the temporary measures taken by the Perfetto Realty Company at the Perfetto property deteriorate over time.

Hazardous substances, pollutants or contaminants present at the Site represent a threat to the public health and welfare as indicated by the presence of factors listed in Section 300.415(b)(2) of the National Contingency Plan (NCP), 40 C.F.R. §300.415(b)(2), in that there is a high potential for releases to occur through continued use of the Site. Factors that supported conducting the removal action at this Site include:

(i) Actual or potential exposures to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants;

Past releases to the environment at the Site appears to have been the result of the generation of wastes from the manufacture of white lead and the waste disposal practices at the Site.

The Perfetto property has been used as a construction staging area. As a result, the ground surface has been disturbed and elevated levels of lead made more available to migrate from the Site. The area around the Site is partly residential. Persons, including school children, use the adjoining streets, Richmond Terrace and Park Avenue, as a thoroughfare and to wait for public transportation. Elevated levels of lead have been identified off-Site on the sidewalk as a result of storm water runoff.

The Moran property is also fenced, and it is currently an active facility. The areas of highest lead contamination detected there are in the bumper storage area and along the fenceline adjacent to Richmond Terrace. Persons accessing the Site will continue to be potentially exposed to the

elevated levels of lead that are present on the surface of the Site. The movement of vehicles and storage equipment on and off the bumper storage area may facilitate the release of surficial lead contamination into the environment potentially exposing pedestrians outside the fenceline on the adjoining sidewalk.

(iv) High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate;

Analytical data indicates that elevated levels of lead are present in the soil at or near the surface in areas of the Site where historic white lead manufacturing took place. If disturbed, lead contaminated soil can become airborne and migrate from the properties. Contaminants located at or near the surface can also migrate by storm water runoff or vehicle tracking. There is evidence that suggests that contamination may have migrated from the Perfetto property in the past by vehicular traffic and via runoff during rainfall events. Although the interim actions taken by Perfetto Realty Company to mitigate migration of lead contaminants, the potential remains for migration of contaminants at the Site should these existing controls deteriorate.

As noted above in the Letters of Health Consult provided by the NYSDOH in cooperation with ATSDR, actual or potential releases of hazardous substances at or from the Site, if not addressed by implementing a response action, may present an imminent and substantial endangerment to public health and welfare.

IV. ENFORCEMENT ACTIONS

Earlier this year, EPA met with representatives of National Lead, Moran Towing and Perfetto Realty to determine if any or all of the parties would be willing to conduct the EE/CA. In March 2010, none of the parties expressed willingness to conduct the EE/CA. Therefore, EPA determined that it would conduct the EE/CA to select the appropriate removal action at the Site.

If approved, a fund lead EE/CA will be conducted to identify and evaluate removal alternatives to mitigate hazardous conditions at the Site. After the EE/CA is completed and a removal action selected, EPA will determine if any of the present or past owners and/or operators at the Site would be capable and willing to undertake the required removal action.

V. PROJECT COSTS

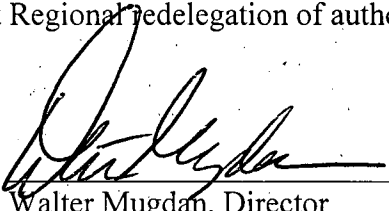
The objectives of the EE/CA are to determine the nature and extent of contamination, provide detailed delineation of Site environmental media, identify contaminant sources, identify contaminant migration pathways, determine the impact or potential impact of contaminants on public health and the environment, and to collect data to facilitate the selection and design of removal actions for the Site that would comply with Applicable or Relevant and Appropriate Requirements (ARARs) within the scope of the project. It is estimated that the EE/CA will cost approximately \$252,000 to complete.

VI. RECOMMENDATION

A CERCLA Non-Time Critical Removal Action is needed to address the elevated concentrations of lead present in the surface soils and at depth at the Site. The proposed EE/CA is considered non-time critical because interim measures have been implemented or are in place that temporarily prevent the migration of high concentrations of lead from the Site. However the deterioration of these measures over time may allow the further migration of lead-contaminated soils from the Site. Conditions at the Site meet the NCP Section 300.415(b)(4) criteria for a removal action, where a planning period of at least six months exists.

I recommend that you approve the preparation of the EE/CA for the Jewett White Lead Site, as per the current Regional redelegation of authority, by signing below.

Approved: _____


Walter Mugdan, Director
Emergency and Remedial Response Division

Date: _____

6/7/2010

Disapproved: _____

Walter Mugdan, Director
Emergency and Remedial Response Division

Date: _____

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